A

SYLLABUS;

OR,

THE HEADS

OF

LECTURES

PUBLICLY DELIVERED IN THE UNIVERSITY OF CAMBRIDGE,

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following ſubjects are treated of, they will be introduced nearly according to the arrangement in which they are placed in the Syllabus.

The next courſe of Lectures will begin at the diviſion of the next October Term, and the enſuing courſe in the February following.

Lincoln's Inn,
July 8th, 1797.

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SYLLABUS, &c.

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19. A life eſtate muſt be 150*l.* *per ann.* Lowndes *v.* Lewis. *Cald.* 188.

20. The eldeſt ſon and heir apparent of an eſquire, or of a perſon of higher rank, is qualified, though his father is not without a qualification by eſtate. Jones *v.* Smart. 1 *T. R.* 44.

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5. The preſumptive heir has a right to retain the rents and profits during his poſſeſſion. 2 *Wilſ.* 526.

6. An eſtate cannot lineally aſcend to a father, grandfather, mother, or grandmother.

7. It may by an intermediate deſcent.

8. It may immediately, when the father or mother is heir to the other. 2 *P. Wms.* 613.

9. Lands always deſcend to an eldeſt ſon, or eldeſt brother, in *perpetuum*.

10. Siſters inherit equally, as parcenors, that eſtate which their brother would have inherited ſolely.

11. When a title of honour deſcends to co-parcenors, it is in abeyance.

12. How it may be born by one of them,

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13. How they ſhall inherit an office of honour, or an advowſon.

14. Except when ſiſters inherit *per capita*, as co-parcenors, the inheritance of lands is always *per ſtirpes*.

15. The heir muſt be a kinſman of the whole blood to his anceſtor, and both muſt be of the blood of the firſt purchaſer.

16. Different eſtates may deſcend to different heirs.

17. When a legal and equitable eſtate unite in the ſame perſon, the eſtate ſhall deſcend according to the courſe of the legal eſtate. *Doug.* 741.

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22. *Sæſina facit ſtipitem*, and *poſſeſſio fratris ſororem facit hæredem.* 3 *Wilſ.* 516.

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5. A huſband ſhall be adminiſtrator to his wife, as before the ſtatute of diſtributions, by 29 *Car. II.* c. 3.

6. After the death of the father, if any child die inteſtate, without iſſue, the mother ſhall have an equal ſhare with a brother or ſiſter. 1 *J. II.* c. 17.

7. Perſons not related to each other, and of

of different denominations of kindred to the inteſtate, may ſhare equally his property.

8. Brothers and ſiſters take in excluſion of a grandfather or grandmother. 3 *Atk.* 762.

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27. Legacies in general to be raiſed out of land, ſink into the eſtate, if the legatee dies before the time of payment. 2 *Cox's P. Wms.* 612.

28. Where

28. Where there is an ademption of a legacy.

29. Where a legacy is given to the children of A. what children ſhall take, and when.

30. No action will lie for a legacy, 5 *T. R.* 690.

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4. The mortgagee may diſtrain for rent in arrear, *Doug.* 266.

5. Equity of redemption.

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11. Voluntary bonds, or without conſideration.

12. Bond given upon a *turpis contractus* or for an illegal or immoral conſideration. 2 *Wilſ.* 347. 3 *Burr.* 1568. 2 *Wilſ.* 339.

13. When and where intereſt can be recovered beyond the penalty of a bond, 2 *T. R.* 398. 2 *Veſ. Jr.* 718.

14. Limitation to an action upon a bond.

15. What contracts muſt be reduced to writing under the ſtatute of frauds & perjuries, 29 *Car. II.* c. 3. and what are good by parol.

16. Promiſes to pay the debt of another, 2 *T. R.* 80.

17. Agree-

17. Agreements in conſideration of marriage.

18. Contracts for the ſale of any intereſt ariſing out of land.

19. Promiſes or agreements to be performed within a year, 3 *Burr.* 1278.

20. Contracts for goods to the amount of 10*l.* 7 *T. R.* 14.

21. Part-performance.

22. *Nuda pacta.*

23. Contracts for horſes.

24. The difference between a ſale with an expreſs warranty, and for a ſound price without a warranty.

25. Gaming contracts, 9 *Ann.* c. 14.

26. Money lent to game with may be recovered back, though the bonds, notes, or ſecurities for it, are void. 2 *Burr.* 1077.

27. What wagers are void under the ſtatute; and what wagers are void, and what are valid, by the principles of the common law. 3 *T. R.* 693.

28. Uſurious contracts, 12 *Ann.* ſt. 2. c. 36. 3 *T. R.* 52.

29. Bonds, notes, &c. upon ſuch contracts are void in the hands of innocent perſons. *Doug.* 708.

30. Not uſury, if the principal is put in hazard.

31. Compound intereſt lawful, and when allowed, 2 *Veſ. Jr.* 16.

32. The nature of *reſpondentia* and bottomry intereſt.

33. Annuities, 17 *Geo. III.* c. 26.

34. Decided caſes under the annuity act.

35. Bills of exchange and promiſſory notes, 3 & 4 *Ann.* c. 9.

36. The parties in a bill of exchange, and the difference between them and promiſſory notes.

37. What is neceſſary to make them negociable.

38. The difference between inland and foreign bills of exchange.

39. The

39. The difference between a blank, a full, and a ſpecial or reſtrictive indorſement. *Doug.* 615.

40. Their reſpective properties and effects.

41. How the time upon bills and notes is reckoned, and when they are payable.

42. Notice of the diſhonour of a bill by non-acceptance or non-payment muſt be given to the drawer and indorſers by the next poſt, 1 *T. R.* 168.

43. Notice not neceſſary to the drawer, if the acceptor had no effects, 1 *T. R.* 712.

44. In what caſes a bill or note is void in the hands of an innocent or *bonâ fide* holder.

45. If a bill of exchange or promiſſory note is made payable to A. or order, if A. indorſes that bill or note, the holder in an action againſt the acceptor of the bill or drawer of the note muſt prove A's hand-writing.

46. But if the payee is a fictitious perſon, and

and that circumſtance is known to the acceptor, then the bill, though drawn to order, is a bill payable to bearer, and the indorſment need not be proved. Minet and Fector, *v.* Gibſon and Johnſon. *Dom. Proc.* 14 *Feb.* 1791.

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7. In what caſes, and by what means they have obtained a concurrent juriſdiction.

8. In what other courts writs of error lie from each of the courts at Weſtminſter.

9. The crown office, or the criminal juriſdiction of the court of the King's Bench.

10. How indictments may be removed there, by *certiorari*.

11. How they are afterwards tried.

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2. Two juſtices muſt be preſent.

3. Why the juſtices at ſeſſions ſeldom try any felonies but petty larceny.

4. An account of the buſineſs in general which is brought before the juſtices at ſeſſions.

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6. By whom the rate is to be made, 43 *Eliz.*

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9. Who are liable to be rated, and in reſpect of what property.

10. Over-

10. Overſeers of the poor, who are liable, and how to be appointed. 43 *Eliz.* c. 2. 13 & 14 *Car. II.* c. 12. 3 *Burn. Poor.*

11. Orders of removal, 13 & 14 *Car. II.* c. 12.

12. An appeal to the ſeſſions from an order of removal, 8 & 9 *W. III.* c. 30.

13. The effect of confirming or quaſhing the order, and of a caſe for the opinion of the court of King's Bench.

14. Poor perſons are not removable till they are actually chargeable, 35 *Geo. III.* c. 101.

15. The various ways by which a ſettlement may be gained, 3 *Burn. Poor.*

16. Vagrants, who are idle and diſorderly perſons, rogues and vagabonds, and incorrigible rogues, 17 *Geo. II.* c. 5.

17. How they are to be dealt with by a juſtice of the peace, and at the quarter ſeſſions.

18. The differences between a vagrant paſs and an order of removal.

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5. A conjecture reſpecting the origin of the unanimity of juries.

6. Juries in criminal caſes.

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8. Peculiar properties of a grand jury.

9. Qualification of a grand juryman. In Yorkſhire, by 7 & 8 *W.* c. 32. 80 *l. per ann.*

10. Why

10. Why they hear the evidence privately, 2 *St. Tr.* 830.

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16. Trials at bar.

17. Writ of *Niſi prius*.

18. The jury muſt be ſummoned from the county in which the cauſe of action ariſes.

19. In what caſes the venue may be changed.

20. Special juries, how obtained, and their properties.

21. When a *tales* may be prayed.

22. The effect of withdrawing a juror.

23. A juryman may be examined as a witneſs.

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6. The

6. The difference between pleading the general iſſue, and pleading ſpecially.

7. Pleading double, 4 & 5 *Ann.* c. 16.

8. A ſet-off. 2 *Geo. II.* c. 22.

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10. Replication, rejoinder, &c.

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12. The object and advantages of ſpecial pleading.

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22. One year's rent, if in arrear, muſt be left to the landlord, 8 *Ann.* c. 14. but not in caſe of a bankruptcy.

23. Coſts, how to be recovered under 43 *Eliz.* c. 6. 21 *J. I.* c. 16. 22 & 23 *Car. II.* c. 9. 4 & 5 *W. & M.* c. 23. 8 & 9 *W. III.* c. 11.

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25. Limitations of actions, 32 *Hen. VIII.* c. 2. 21 *J. I.* c. 16.

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5. What may be taken and ſold under a diſtreſs.

6. The nature of an *aſſumpſit*, and the great variety of inſtances in which this action may be brought.

7. An action of debt.

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9. Action of detinue, why ſeldom brought.

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11. Action of treſpaſs upon the caſe.

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3. The policy of the law in preventing retribution to be made in felonies, or in the rule, that a trespass is merged in the felony.

4. In what cases stolen property is restored, or *spoliatus debet ante omnia restitui*.

5. The

5. The king, as the repreſentative of the public, is the proſecutor of all crimes.

6. The reaſons why the king neither pays nor receives coſts.

7. The remedy againſt thoſe who abuſe his name by a malicious proſecution.

8. The ſecurity of the ſubject, in not being ſuffered to be tried a ſecond time for the ſame offence.

9. The criminal law of this country has been much altered by a change in the laws reſpecting the benefit of clergy.

10. Crimes are divided into miſdemeanors and felonies.

11. Felonies (beſides treaſon and petty larceny) are divided into felonies, with and without the benefit of clergy.

12. A miſdemeanor differs from a felony in the proſecution by information, the removal of the indictment by *certiorari*, and conſequently the trial at *niſi prius*, the traverſe or delay of trial by the defendant, the

defence by counſel, the diſcretionary puniſhment, but without a forfeiture of life or property.

13. Why the puniſhment in miſdemeanors is diſcretionary, in felonies fixed.

14. Inſtances of ſome miſdemeanors, and what proofs are neceſſary to ſupport a proſecution of them reſpectively.

15. Aſſaults with intent to murder, or to commit any other crime.

16. Any attempt to commit a felony is a miſdemeanor.

17. Libels.

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19. Wilful and corrupt miſconduct of magiſtrates.

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23. The receiver of ſtolen goods, where

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the principal has not been convicted of grand larceny, 22 *Geo. III.* c. 25.

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3. Acceſſaries before and after the fact.

4. By the common law the puniſhment of all principals and acceſſaries was the ſame.

5. Inſtances in which clergy is taken away from the principal in the firſt, but not from the principal in the ſecond degree. *Foſt.* 355.

6. In ſeveral crimes, by a variety of ſtatutes, an acceſſary before the fact is deprived of clergy.

7. All acceſſaries after the fact are entitled to clergy, except in horſe-ſtealing, 31 *El.* c. 12.

8. High treaſon, 25 *Ed. III.* c. 2.

9. Caſes determined by the judges under the ſtatute of treaſons.

10. Words alone are not an overt act of treaſon, *Foſt.* 202.

11. Coining.

12. Petit treaſon, 25 *Ed. III.* c. 2.

13. The ſame act may be murder in one and petit treaſon in another.

14. A perſon indicted for petit treaſon may be convicted of murder by the evidence of one witneſs, *Leach.* 363.

15. The preſent puniſhment of women in caſes of high and petit treaſon, 30 *Geo. III.* c. 48.

16. Homi-

16. Homicide.

17. What homicides are juſtifiable.

18. Homicides *per infortunium*, or ſelf-defence, excuſable.

19. Murder and manſlaughter.

20. Various diſtinctions.

21. Murder cannot be committed by perjury, *Foſt.* 132.

22. One ſpecies of manſlaughter deprived of clergy, killing by ſtabbing under certain circumſtances, 1 *J. I.* c. 8.

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24. Coventry act, 22 & 23 *Car. II.* c. 1.

25. Coke's caſe conſidered, 6 *St. Tr.* 212.

26. Maliciouſly ſhooting under the black act, 9 *Geo. I.* c. 2. *Leach.* 323.

27. Burglary.

28. Every word in the definition of burglary has produced a great variety of curious conſtructions.

29. Some modern caſes. See Leach's criminal caſes.

30. Arſon.

31. What circumſtances will, or will not, conſtitute the crime of Arſon.

32. Robbery.

33. What degree of force or terror is neceſſary to conſtitute a robbery.

34. Extorting money under a threat to charge with an unnatural crime, has been held to be robbery. *Leach*, 232.

35. Any aſportation of property ſufficient. *Leach*, 264.

36. Larcenies.

37. Petty and grand larceny.

38. Simple larcenies.

39. Where poſſeſſion is obtained *animo furandi*. Major Semple's caſe. *Leach*, 189. 327.

40. What circumſtances amount to a ſufficient aſportation to conſtitute larceny.

41. Lar-

41. Larcenies from which the benefit of clergy is taken away.

42. Stealing more than the value of one ſhilling privately from the perſon, 8 *Eliz.* c. 4.

43. Caſes decided under this ſtatute.

44. Stealing privately goods and merchandize to the value of five ſhillings from a ſhop, warehouſe, coach-houſe, and ſtable, 10 & 11 *W. III.* c. 23. *Foſt.* 78. *Leach.*

45. Breaking into a houſe in the day time, where no perſon is therein, and ſtealing to the amount of five ſhillings, 39 *Eliz.* c. 15.

46. That ſtatute intended to protect the property of cottagers and day-labourers.

47. Stealing in any dwelling-houſe to the amount of forty ſhillings, 12 *Ann.* ſt. 1. c. 7.

48. In what caſes, if the priſoner is indicted for a burglary or a capital crime, the jury may acquit him of the capital charge, and find him guilty of a ſimple larceny.

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50. What

50. What forgeries are misdemeanors, and what are made capital crimes, by various statutes.

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FINIS.